

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES BENNETT IV,

Plaintiff,

v.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

ORDER  
1:23-CV-05170-GRJ

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GARY R. JONES, United States Magistrate Judge:

Pending before the Court is the parties' Stipulation for Allowance of Fees under the Equal Access to Justice Act. (Docket No. 17.) The parties have stipulated that Plaintiff should be awarded nine thousand three hundred eighty-nine dollars and forty-five cents (\$9,389.45) in attorney's fees under the Equal Access to Justice Act.

Upon due consideration, it is **ORDERED**:

1. Plaintiff is awarded attorney's fees under the EAJA in the amount of **\$9,389.45**. The payment of attorney's fees is subject to any offsetting debt owed by the Plaintiff to the United States. Before the Commissioner shall be obligated to pay the EAJA fees, the Commissioner must determine whether Plaintiff owes a debt to the government. In the

event the United States Department of the Treasury determines that Plaintiff does not owe a federal debt, the Commissioner must then pay the fees directly to Plaintiff's counsel.

Dated: August 22, 2024

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge